



**An Analytical Reading into the Fulfillment of the Elements of the Crime of
Genocide in the Context of the Israeli–Palestinian Conflict**

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Abstract:

This research provides a legal analysis of the constitutive elements of the crime of genocide in the context of the Israeli–Palestinian conflict, based on the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. It examines whether the legally defined acts—killing members of a group, causing serious bodily or mental harm, inflicting destructive living conditions, preventing births, and forcibly transferring children—can be applied to the situation in Gaza. Drawing upon reports from credible international bodies such as Human Rights Watch, Amnesty International, and the United Nations, the study identifies a growing body of evidence indicating that several genocidal acts or attempts thereof may have occurred; these include high civilian death tolls, severe injuries and psychological trauma, and the deliberate creation of conditions of life leading to the group’s destruction. The research also analyzes the element of specific intent (*dolus specialis*) through documented statements by Israeli officials that may demonstrate the requisite genocidal intent. It concludes that, by early 2025, sufficient evidence has emerged to suggest the partial fulfillment of the elements of genocide, warranting increased international legal scrutiny and accountability.

Keywords:

Genocide, international law, Gaza Strip, intent (*mens rea*), human rights, 1948 Convention.

This paper presents an analytical examination of the fulfillment of the elements of the crime of genocide in the context of the Israeli–Palestinian conflict.

Pursuant to the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, genocide is legally defined as:

“Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- *Killing members of the group;*
- *Causing serious bodily or mental harm to members of the group;*
- *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- *Imposing measures intended to prevent births within the group;*
- *Forcibly transferring children of the group to another group.”*

This analytical inquiry seeks to evaluate the extent to which these legally defined acts may be applicable to the ongoing situation in Palestine, particularly within the Gaza Strip.

Applicability of Genocidal Acts to the Situation in Palestine

Drawing upon reports issued by reputable international human rights organizations—including Human Rights Watch, Amnesty International, and the United Nations (notably the UN Special Rapporteur on the situation of human rights in the Palestinian territories, Francesca Albanese)—a growing body of evidence suggests that several acts constitutive of genocide, or at least attempts thereof, may be identified in the current context. These include:

1. Killing members of the group:

The disproportionately high number of civilian casualties, predominantly women and children, indicates a pattern of widespread and systematic targeting rather than incidental or collateral harm.

2. Causing serious bodily or mental harm:

Hundreds of individuals have sustained severe injuries, many resulting in permanent disabilities. Moreover, the profound psychological trauma endured by survivors, particularly children, has been extensively documented.

3. Deliberately inflicting conditions of life calculated to bring about physical destruction:

The ongoing blockade, the denial of access to essential humanitarian aid—including food and medical supplies—and the destruction of hospitals and critical infrastructure collectively constitute conditions that may be interpreted as deliberately imposed to effectuate the partial or total destruction of the group.

The Element of Intent (Mens Rea)

A fundamental legal prerequisite for qualifying conduct as genocide is the specific intent (*dolus specialis*) to destroy, in whole or in part, the targeted group. Several statements and declarations by Israeli officials—including ministers and members of parliament—have been publicly documented and interpreted within some legal frameworks as indicative of such intent. These statements have been cited as evidentiary support in ongoing international legal proceedings.

Findings and Recommendations:

Evidence suggests that several elements of genocide under international law may be met in the Gaza context.

An independent international legal investigation should be initiated to determine state and individual responsibility.

International organizations must enhance civilian protection mechanisms and ensure the unobstructed delivery of humanitarian aid.

Conclusion

By early 2025, a critical juncture appears to have been reached whereby acts indicative of genocide in Gaza have become increasingly apparent and legally substantiated in accordance with prevailing international legal standards. This development underscores the urgency of rigorous legal scrutiny and accountability mechanisms to address the allegations in an impartial and comprehensive manner.

Key Sources:

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